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the first time, is not passed upon. In some jurisdictions it is inadmissible. *People v. Yeaton* (1888) 75 Cal. 415; *Shephard v. State* (1894) 88 Wis. 185. The main ground of this holding is that such a confession is unreliable as circumstantial evidence of the untrustworthiness of the witness. *Harrold v. Oklahoma* (1909) 169 Fed. 47. In federal cases the admission of such a confession is considered a violation of the constitutional guaranty for the accused to be compelled to testify against himself. Fifth Amendment, U. S. Const.; *Sorenson v. U. S.* (1906) 143 Fed. 820. In other jurisdictions it is admissible. *Hicks v. State* (1892) 99 Ala. 169; *State v. Broadbent* (1903) 27 Mont. 342. The theory is that a defendant in a criminal case, by exercising the privilege given him by statute of testifying, thereby becomes a general witness in the case, subject to cross-examination and impeachment. *Commonwealth v. Tolliver* (1875) 119 Mass. 312; *Smith v. State* (1902) 137 Ala. 22.

The means by which the court avoids deciding the above question and the ground on which it grants reversal is that in a joint trial only that part of an involuntary confession is admissible which in no way implicates the codefendant, even though the jury were instructed to disregard the confession as affecting such codefendant. It is the general rule, in a joint trial, that the voluntary confession of one defendant is admissible against him, although it implicates the other defendants and tends to prejudice them before the jury. *Ackerson v. People* (1888) 124 Ill. 563; *Fife v. Commonwealth* (1857) 29 Pa. St. 429. The remedy in such case is a motion for a direction by the court to the jury that the confession be evidence only against him who made it. *Commonwealth v. Ingraham* (1856) 7 Gray (Mass.) 46; *State v. Berry* (1887) 24 Mo. App. 466. But an involuntary confession, implicating codefendants, was held inadmissible against codefendants in separate trials. *Jackson v. State* (1906) 97 S. W. (Tex.) 312. The admissibility of an involuntary confession, implicating codefendants, in a joint trial, is a new question, before the court for the first time.

E. J. M.

FEDERAL EMPLOYERS' LIABILITY ACT—RIGHT TO SUE UNDER STATE STATUTE.—NEW ORLEANS, M. & C. R. CO. V. JONES ET AL. (1916) 72 So. (Miss.) 681.—A railroad porter, killed in interstate service, left surviving him neither widow, children, parent, or dependent relative, who alone have a right of action under Federal Employers' Liability Act, Apr. 22, 1908. Decedent's half-brother brought suit under state statute. *Held*, that the Federal Employers' Liability Act superseded all legislation over the same subject by the states, and that no suit could be brought under state law for injury or death of an employee of a common carrier, injured or killed in interstate commerce.

For a discussion approving the above rule, see *Taber v. Missouri Pac. Ry. Co.*, 26 YALE LAW JOURNAL, 72; *Staley v. Ill. Cent. R. R. Co.*, 25 *ibid.* 497.

E. J. M.

HUSBAND AND WIFE—COMMUNITY PROPERTY—VOIDABLE GIFT BY HUSBAND—RATIFICATION.—SPRECKELS V. SPRECKELS (1916) 158 PAC. (CAL.)